IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MRS JUSTICE T.MEENA KUMARI**

**WRIT PETITION NO : 22244 of 1995**

Between:

1 Borigi Krishna Murthy, alias Borigi Chinna Krishna Murthy s/o. Borigi Sekaiah, Nelluri Street, Tekkali, Srikakulam District.
2 Morigi Seeta Rama Swamy s/o. Borigi Sekahaiah
Temburu Road, Tekkali, Srikakulam District.

**..... PETITIONERS**

AND

1 The District Collector, Srikakulam.
2 The Revenue Divisional Officer,
Tekkali, Srikakulam District.
3 The Mandal Revenue Officer, Tekkali Mandalam,
Tekkali, Srikakulam District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction or writ one more particularly in the nature of writ of CERTIORARI calling for the records pertaining to the proceedings of the District Collector, Srikakulam issued in the 4(1) Notification under the Land Acquisition Act published in the District Gazette in R.C.No.493/94 S.W.L.A., dtd.30.8.1994, Collectors Office, Srikakulam and consequential notification in R.C.No.493/94 S.W.L.A., dated. 18.9.95 (published on 22.9.95) u/s. 9(1) of the Act and quash the same by declaring it as illegal, arbitrary to the provisions of the Land Acquisition Act and violative of Art. 14, 21, and 300-A of the Constitution of India apart from violative of Principles of Natural Justice,

**Counsel for the Petitioner: MR.J.VENUGOPAL RAO**

**Counsel for the Respondent No.: GP FOR LAND ACQUISITION**

**The Court made the following :**

***ORAL ORDER*:**

This writ petition is filed questioning the proceedings of the 1st respondent issued under the 4(1) notification under the Land Acquisition Act, published in the District Gate in RC No. 493/94 SWLA dated 30-8-1994, and consequential notification in RC No. 493 of 1994 SWLA dated 18-9-1995, issued under Section 9(1) of the Act and to quash the same by declaring it as illegal and arbitrary.

The case of the petitioners is that the respondents are trying to acquire their lands without issuing any notice to them as required under Section 5(A) of the Land Acquisition Act (for short 'the Act') and that though there are other lands which are waste lands and can be acquired, the respondents, for the reasons best known to them, are trying to acquire their lands only, that too without following due process of law.

However, today, when the matter is taken up for hearing, the learned Government Pleader for Land Acquisition, appearing for the respondents submitted, on instructions from the office of the Collector, Srikakulam, in RC No. 492 of 1994, SWLA, dated 10-12-1997 to the effect that the petitioners have received compensation with reference to the subject matter of the writ petition and no adjudication is required in this case.

Recording the above submission, the writ petition is closed. No costs.

Kvsn 09-12-2004

To

1 The District Collector, Srikakulam.
2 The Revenue Divisional Officer,
Tekkali, Srikakulam District.
3 The Mandal Revenue Officer, Tekkali Mandalam,
Tekkali, Srikakulam District.

4 Two CCs to G.P. for Land Acquisition, High Court buildings, Hyderabad.

5 Two CD copie